

Serial Number: 10/056,776
Filed : January 24, 2002

Attorney Docket No. 2002P00754US

REMARKS

Claims 1-24 were examined. Upon entry of the present amendment, claims 25 and 26 are added. Thus, claims 1-26 are pending. Applicants hereby request further examination and reconsideration of the application in view of the following remarks.

Claims 1, 5, 8, 9, 16, 17, 21 and 24 stand rejected under 35 U.S.C. § 102(e) as being anticipated by O'Neil et al., U.S. Patent No. 5,963,547 (O'Neil). Claims 2-3, 10-11 and 18-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Neil in view of Kim et al., U.S. Patent No. 5,936,662 (Kim). Claims 6-7, 13-14 and 22-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Neil in view of Falco et al., U.S. Patent No. 6,687,752 B1 (Falco). Applicant traverses these rejections for at least the following reasons.

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *W.L. Gore & Assocs. v. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). Further, "anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added). Similarly, to establish obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Ryoka*, 180 U.S.P.Q. 580 (C.C.P.A. 1974). *See also In re Wilson*, 165 U.S.P.Q. 494 (C.C.P.A. 1970).

The primary reference, O'Neil, fails to disclose, teach or suggest "combining received inputs into an *output packet* including a *first sub-packet* and a *second sub-packet*, wherein the first sub-packet has a first payload and the second sub-packet has a second payload, the first payload and the second payload including inputs combined from at least a portion of the received inputs from the number of participants, wherein the first payload includes at least one received input that is not included in the second sub-packet" as presently claimed in independent claims 1, 9 and 17. Instead, O'Neil discloses a centralized multipoint conferencing arrangement that uses both multicast and unicast transmissions. In O'Neil, the MCU transmits a multicast stream (MCA and MCV) to all of the endpoints in the system. The MCU also transmits *separate* unicast streams (UCA and UCV) to specific endpoints in the system. The multicast stream (MCA and MCV) and the unicast streams (UCA's and UCV's) transmitted by the MCU are not combined as sub-packets in a single output

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packet, as presently claimed, but are instead "*separate and distinct*" streams. O'Neil, column 4, lines 35-37 (emphasis added).

The ancillary references, Kim and Falco, fail to make up for this defect in the O'Neil reference since these references also fail to disclose, teach or suggest "combining received inputs into an output packet having a first sub-packet and a second sub-packet" as claimed. Instead, Kim discloses a video conference control system that uses an Integrated Services Digital Network (ISDN), while Falco discloses a method of dynamic RTP/RTCP timestamp validation. Moreover, there exists no motivation or suggestion to modify the teaching of O'Neil to achieve applicant's invention. Accordingly, it is submitted that claims 1-24 are patentable over the cited references. Withdrawal of the rejections of these claims is therefore requested.

Claims 4 and 20 were indicated as being allowable if rewritten in independent form including all the limitation of the base claims and any intervening claims. New claims 25 and 26 present the subject matter of dependent claims 4 and 20 in independent form. Consequently, it is believed that claims 25 and 26 are patentable over the art cited by the Patent Office and the prior art in general. Allowance of claims 25 and 26 is therefore requested.

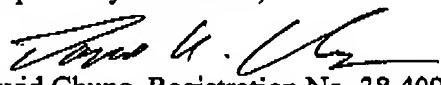
CONCLUSION

In view of the foregoing, it is submitted that the claims are in condition for allowance. Issuance of the present application as a patent is therefore solicited.

An Amendment Transmittal authorizing payment of fees for excess claims from the undersigned's Deposit Account is filed herewith. It is believed no other fee is due at this time. However, should the Examiner disagree, please charge the undersigned's Deposit Account No. 19-2179. Please also charge this deposit account, at any time during the pendency of this application, for any additional fees required, or credit any overpayment, pursuant to 37 CFR §1.25.

PLEASE MAIL CORRESPONDENCE TO: Respectfully Submitted,

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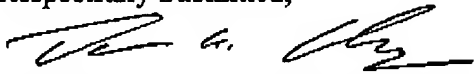
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Please charge to Deposit Account 19-2179 the sum of \$500.00. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 19-2179 pursuant to 37 CFR 1.25. A duplicate copy of this sheet is enclosed.

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